

CITY OF SAN JOSÉ, CALIFORNIA Department of Planning, Building and Code Enforcement 801 North First Street, Room 400 San José, California 95110-1795 STAFF REPORT		Hearing Date/Agenda Number P.C. 02-11-04 Item: 3.c.
		File Number CP03-071
		Application Type Conditional Use Permit
		Council District 4
		Planning Area North San José
		Assessor's Parcel Number(s) 097-13-091
PROJECT DESCRIPTION		Completed by: Mike Mena
Location: Northwest corner of Trimble Road and Zanker Road.		
Gross Acreage: 2.55	Net Acreage: 2.55	Net Density: N/A
Existing Zoning: IP-Industrial Park	Existing Use: Office	
Proposed Zoning: No change	Proposed Use: Social service agency	
GENERAL PLAN		Completed by: MM
Land Use/Transportation Diagram Designation Industrial Park		Project Conformance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> See Analysis and Recommendations
SURROUNDING LAND USES AND ZONING		Completed by: MM
North: Industrial Park	IP-Industrial Park	
East: Industrial Park	IP-Industrial Park	
South: Warehouse/Distribution	A(PD) Planned Development	
West: Industrial Park	IP- Industrial Park	
ENVIRONMENTAL STATUS		Completed by: MM
<input type="checkbox"/> Environmental Impact Report found complete on <input type="checkbox"/> Negative Declaration circulated on <input type="checkbox"/> Negative Declaration adopted on		<input checked="" type="checkbox"/> Exempt <input type="checkbox"/> Environmental Review Incomplete
FILE HISTORY		Completed by: MM
Annexation Title: Orchard No._71		Date: May 31, 1977
PLANNING DEPARTMENT RECOMMENDATIONS AND ACTION		
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Approval with Conditions <input type="checkbox"/> Denial	Date: _____ <input type="checkbox"/> _____	Approved by: _____ <input checked="" type="checkbox"/> Action <input type="checkbox"/> Recommendation
OWNER		
Mr. Michael Veuve Catholic Charities of San José 2625 Zanker Road, Unit 1 San José CA 95134		

PUBLIC AGENCY COMMENTS RECEIVED

Completed by: Mike Mena

Department of Public Works
No comments

Other Departments and Agencies
See attached memo from Fire Department

GENERAL CORRESPONDENCE

None received

ANALYSIS AND RECOMMENDATIONS

BACKGROUND

The applicant, Catholic Charities of San José, is requesting a Conditional Use Permit to allow a social service agency in one of two existing buildings located on the northwest corner of Trimble and Zanker Roads. The applicant has operated a facility at this location for more than ten years. The Zoning Ordinance requires a Conditional Use Permit for social service agencies located in the IP-Industrial Park Zoning District. The subject building is approximately 51,400 square feet in size, and is currently occupied by the applicant and other office uses. The applicant currently occupies approximately 32,877 square feet of the building (~63 % of the total building), and is using a portion of the leased space (25,700 square feet) for counseling/social services. This Conditional Use Permit is required in order to bring the existing use into conformance with the City of San José Municipal Code.

Surrounding uses include industrial park uses to the north, east, and west, and warehouse/distribution (FedEx) uses to the south.

Project Description

Catholic Charities of San José is a non-profit corporation that currently operates its office headquarters and other services on the subject site. The services provided by the applicant include; administrative and support services for behavior health counseling, immigration and refugee resettlement counseling, job training (for mental health and refugee), financial classes and support for older adults.

The Catholic Charities of San José employs approximately 230 total employees in San José, with roughly half working at the subject site. The number of visitors to the site in any given day, ranges between 50 to 100. The majority of the uses within the facility are anticipated to be open Monday –Friday (8 a.m. to 5 p.m.) with some evening and Saturday classes. This Permit would allow for Catholic Charities to continue to operate these social service uses to continue to operate on the subject site. No exterior changes to the structure are proposed as part of this Conditional Use Permit.

ENVIRONMENTAL REVIEW

Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental

review requirements of Title 21 of the San José Municipal Code, in that this class consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use.

The proposed project/use is consistent with the above section in that the project proposes to occupy a portion of an existing 51,400 square foot industrial/office building for social service uses with no expansion of the existing building and no additional on-site improvements. The uses is similar to office use and in keeping with the design of the existing building.

GENERAL PLAN CONFORMANCE

The subject site is designated on the San José 2020 Land Use/Transportation Diagram as Industrial Park. The Industrial Park Land Use Designation is an exclusive industrial designation intended for a wide variety of industrial users such as research and development, manufacturing, assembly, testing and office uses. Additionally, a limited amount of supportive and commercial uses may be appropriate for Industrial Park designated properties which are of a scale and design providing support only to the needs of the businesses and their employees in the immediate industrial area.

The proposed use is consistent with the General Plan land use designation of Industrial Park in that the site is developed with an existing industrial office building and is surrounded with similar industrial type uses.

The proposed use also furthers the City's General Plan Policies such as the Balanced Communities goals and policies, which encourage the development of social and economic uses in all neighborhoods. The City's Economic Development Policies additionally encourage the City's cooperation with educational, industrial and business institutions to provide job-training programs, which will enable the unemployment and underemployed labor force to meet the needs of business and industry. The proposed use is consistent in that the Catholic Charities of San José will provide job-training services to its clients.

ANALYSIS

The primary issues for review of the proposed project are compatibility with surrounding land uses, and parking availability.

Land Use Compatibility

The project site is located in a part of the North San José that is characterized by a mix of both commercial/office and industrial park uses; consequently, uses which operate pursuant to a Conditional Use Permit in areas designated exclusively for industrial uses are not precluded from operating in these areas. Allowing a social service agency to operate in a building that contains office and similar uses would not result in significant land use compatibility issues. No exterior changes are proposed to the building or site as part of this Permit. Staff has concluded that if the proposed social service agency use were ever discontinued, the property could readily accommodate a new industrial park/office use, consistent with the Zoning Code, because there are no changes being proposed to the exterior of the building or the site.

Parking

As shown on the project plans, the site currently has a total of approximately 396 parking spaces. Based on information provided by the applicant, staff has concluded that there is adequate parking currently

available on the subject site to serve the proposed uses and meet the Code requirements of (1) parking space per 250 square feet of building area as is typical for office or similar uses. Adequate on-site parking will remain available for the vacant building per the 1 space for 250 square feet standard (see Table 1).

TABLE 1

Use	SQ. FT.	Required Parking	Parking Provided
<i>Building A</i>			
Admin/Office	7,546	26	
Social Service	25,331	86	
Office/R&D	18,523	63	
TOTAL	52,920	175	198
<i>Building B</i>			
Vacant Office Space	51,400	175	
TOTAL		175	198

For all of these reasons, and noting that the building will remain industrial/office in character and could be used for industrial park uses in the future, staff has concluded that allowing a social service agency use to this site would be compatible with the existing development in the area and in keeping with the character of the surrounding uses.

RECOMMENDATION

The Planning staff recommends that the Planning Commission approve the requested Conditional Use Permit and include the following findings and conditions in its resolution.

The Planning Commission finds that the following are the relevant facts regarding this proposed project:

1. This site has a designation of Industrial Park on the adopted San José 2020 General Plan Land Use/Transportation Diagram.
2. The project site is located in the IP-Industrial Park Zoning District. Social service agency uses are a Conditional Use in the IP-Zoning District. No exterior changes are proposed to the building or site as part of this Conditional Use Permit.
3. The project site has a total of 396 on-site parking spaces existing on the subject site. A mix of office uses occupies the existing building(s). Portions of the existing building are also vacant.
4. The project site is located in the part of the Rincon de Los Esteros Redevelopment Area that is characterized by a mix of both commercial/office and industrial park uses. The proposed social service agency use is an office use that is similar in function to other office uses existing in the building and surround area.

5. This Permit would allow social service agency uses in approximately 25,700 square feet of the existing, 51,400 square foot building. The majority of uses within the facility are anticipated to be open Monday – Friday (8 a.m. to ~ 5 p.m.) with some evening and Saturday classes.
6. Under the provisions of Section 15301 of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA) as stated below, this project is found to be exempt from the environmental review requirements of Title 21 of the San José Municipal Code .

This Planning Commission concludes and finds, based upon an analysis of the above facts that:

1. The proposed project conforms to the City’s General Plan.
2. The proposed project complies with all applicable provisions of the Zoning Ordinance.
3. The proposed project is in compliance with the California Environmental Quality Act.

Finally, based upon the above-stated findings and subject to the conditions set forth below, the Planning Commission finds that:

1. The proposed use at the location requested will not
 - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
 - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
 - c. Be detrimental to public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding areas; and
3. The proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quality of traffic such use would generate; and
 - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Conditional Use Permit to use the subject property for said purpose specified above and subject to each and all of the conditions hereinafter set forth is hereby granted. This Planning Commission expressly declares that it would not have granted this permit except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner and all subsequent owners of the subject property, and all persons who use the subject property for the use conditionally permitted hereby.

CONDITIONS PRECEDENT

This Conditional Use Permit shall have no force or effect and the subject property shall not be used for the hereby permitted uses unless and until all things required by the below-enumerated precedent conditions shall have been performed or caused to be performed and this Resolution has been recorded with the County Recorder.

1. **Acceptance and Payment of Recording Fees.** The "Acceptance of Permit and Conditions" form shall be **signed, notarized, and returned** to the Department of City Planning within **60 days** from the date of issuance of the resolution granting the permit. *Failure to do so will result in this permit automatically expiring regardless of any other expiration date contained in this permit.* Fees for recording a Certificate of Permit with the Recorder for the County of Santa Clara must be submitted along with the Acceptance Form.

CONCURRENT CONDITIONS

The subject property shall be maintained and utilized in compliance with the below-enumerated conditions throughout the life of the permit:

1. **Conformance with Plans.** Construction and development shall conform to approved development plans entitled, "Conditional Use Permit for Catholic Charities of San José" dated November 20, 2003, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 24).
2. **Compliance With Permit.** Both the permit holder and the property owner are responsible to pursue full compliance with the Special Use Permit and any and all conditions imposed thereon.
3. **Public Works Clearance for Building Permit(s):** Prior to the issuance of Building permits, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.
 - a. *Minor Improvement Permit:* The public improvements conditioned as part of this permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. This permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.
 - b. *Transportation:* This project is located within the North San José Deficiency Plan area and is required to pay the North San José Deficiency Plan fee. Due to changes in the building's use, the project will generate an additional 50 a.m. (Peak Hour Trips) PHT and 55 p.m. PHT. Therefore, the project is required to pay the North San José Deficiency Plan fee of \$362 per PHT. The total due is \$19,910.
 - c. *Flood: Zone AO, Depth 1'*
 - i) Project must comply with the City's Substantial Improvement Policy for improvements to existing structures in a Special Flood Hazard Area.
 - ii) Submit a cost estimate of the proposed improvements and, if available, a document

- iii) showing the market value of the existing structure.
 - iii) If the cost of the proposed improvements exceed 50% of the market value of the existing structure, it will be considered a substantial improvement and the entire structure must fully comply with the following City Floodplain Management requirements:
 - iv) Elevate the lowest floor to 1 foot above the highest existing adjacent grade to the existing structure or floodproof to the same elevation. For insurance rating purposes, the building's floodproofed design elevation must be at least one foot above the base flood elevation to receive rating credit.
 - v) An Elevation Certificate (FEMA Form 81-31), based on construction drawings, is required prior to issuance of a building permit. Consequently, after the improvement is completed, an Elevation Certificate for each structure is required prior to issuance of an occupancy permit.
 - vi) If the structure is to be floodproofed, a Floodproofing Certificate (FEMA Form 81-65), floodproofing details, a Flood Emergency Operation Plan, and an Inspection & Maintenance Plan are required prior to the issuance of a Public Works Clearance.
 - vii) Building support utility systems such as HVAC, electrical, plumbing, air conditioning equipment, including ductwork, and other service facilities must be elevated above the base flood elevation or protected from flood damage.
- d. *Sewage Fees:* In accordance with City Ordinance all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.
- e. *Street Improvements:*
- (i) Applicant shall be responsible to remove and replace curb, gutter, and sidewalk damaged during construction of the proposed project.
 - (ii) Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
 - (iii) Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement will be evaluated with the street improvement plans and any necessary pavement restoration will be included as part of the final street improvement plans.
- f. *Landscape:* Replace any missing street trees along Trimble Road. A permit for this is required from the Department of Streets and Parks, (408) 277-4373.
4. **Nuisance.** This use shall be operated in a manner which does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City.
5. **Lighting.** This permit allows no new on-site lighting.
6. **Sign Approval.** No signs are approved at this time. All proposed signs shall be subject to approval by the Director of Planning.
7. **Outside Storage.** No outside storage is permitted for the project except in areas designated on the approved plan set.
8. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following

requirements must be met to the satisfaction of the Chief Building Official:

- a. *Construction Plans.* This Permit file number, CP 03-071 shall be printed on all construction plans submitted to the Building Division.
 - b. *American Disabilities Act.* The applicant shall provide appropriate access as required by the Americans with Disabilities Act (ADA).
 - c. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
9. **Anti-Graffiti.** The applicant shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.

CONDITIONS SUBSEQUENT

1. **Permit Expiration.** This Conditional Use Permit shall automatically expire two years from and after the date of adoption of the Resolution by the Planning Commission, or by the City Council on appeal, granting this Permit, if within such two-year period, the proposed use of this site has not commenced, pursuant to and in accordance with the provisions of this Conditional Use Permit. The date of adoption is the date the Resolution granting this Conditional Use Permit is approved by the Planning Commission. However, the Director of Planning may approve a Permit Adjustment to extend the validity of this Permit for a period of up to two years. The Permit Adjustment must be approved prior to the expiration of this Permit.
2. **Revocation, Suspension, Modification.** This Conditional Use Permit may be revoked, suspended or modified by the Planning Commission, or by the City Council on appeal, at any time regardless of who is the owner of the subject property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 3, Chapter 20.44, Title 20 of the San José Municipal Code it finds:
 - a. A violation of any conditions of the Conditional Use Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
 - b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
 - c. The use as presently conducted creates a nuisance.